

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting to be held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, July 9, 2018, 6:00 PM

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Bill Byers, David Hachmeister, Bob Johnson, Doris Horn, and Jeff Willis.

Also present were Morrie Doll, Attorney, and Molly Barnhill, Assistant Director.

MEMBERS ABSENT: Guy Gentry, President, and Amanda Mosiman.

MINUTES: Upon a motion by Doris Horn and seconded by Bob Johnson the Minutes from the regular meeting held June 11, 2018 were approved as circulated.

Jeff Willis, Vice President, explained the rules of procedure.

REZONING PETITIONS:

PC-R-18-07 – Petition of Ken Favor to rezone 1.78 acres located on the E side of Coal Mine Rd. approximately 264' N of the intersection formed by Coal Mine Rd. & Oak Grove Rd. from "A" Agriculture to PUD consisting of "R-1" One Family Dwelling zoning district. With a Use and Development Commitment. Ohio Twp. (*Complete legal on file.*) *Advertised in the Standard May 14, 2018. Continued from June 11, 2018. Continued to July 9, 2018.*

PP-18-04 - The Enclave At Oak Grove PUD by Ken Favor 1.78 acres located on the E side of Coal Mine Rd. approximately 264' N of the intersection formed by Coal Mine Rd. & Oak Grove Rd., Ohio Twp. *Complete legal on file. Advertised in the Standard May 14, 2018. Continued from June 11, 2018. Continued to July 9, 2018.*

The Vice Chairman asked if these were to be continued.

Attorney Doll stated that was not dealt with by the Drainage Board today or by the Commissioners as to approval of transportation improvement. He said so we would ask that that be continued until the next meeting; as well as PP-18-04.

Doris made a motion to continue PC-R-18-07 and PP-18-04 until the next meeting on August 13, 2018. The motion was seconded by Bill Byers and unanimously carried.

PC-R-18-10 – Petition of BBCF Properties, LLC by William Felts, Mbr. to rezone 3.02 acres located on the S side of Sharon Rd. approximately 100' E of the intersection formed by SR 66 and Sharon Rd. from an "A" Agricultural to "C-4" General Commercial Zoning District, Ohio Twp. *Complete legal on file. Advertised in the Standard May 31, 2018. Continued from June 11, 2018. Continued to July 9, 2018.*

Scott Buedel with Cash Wagner was present along with William and Anita Felts, and Bob Clayton.

The Vice President called for a staff report.

Mrs. Barnhill stated we have all of the return receipts. She said there is no minimum lot size for "C-4" zoning. She said the Comprehensive Plan shows this area to be high density residential bordering commercial. She said the existing land use is a vacant lot. She said the surrounding zoning and land use is as follows: vacant "C-3" to the north. "A" Agriculture to the east with a residence, "C-1" to the west with a business, "A" and "C-3" to the south with a residence. She said this is for a Gas Station/Convenient Store. She said there is no flood plain. Mrs. Barnhill stated the property fronts SR 66 which is limited access. She said the aerial shows an access point off SR 66 however; they will need INDOT verification that it is suitable as a commercial entrance. She said they would also need to obtain a commercial driveway permit off Sharon Rd. She said the stated use is a gas station/convenient store, which would be allowed in C-4 zoning.

Mrs. Barnhill stated the engineer on this project has contacted Bobby Howard, County Engineer for Warrick County regarding commercial entrances onto Sharon Road. She said Mr. Howard replied, *"The drive should always be as far away from the intersection of a major road as possible. The EMPO access manual should be followed in regard to the location and whether the drive is allowed full access or just right in/out only. Also, the geometry of the driveway will depend on actual use of the property. My understanding is this hasn't been zoned and the use not fully determined. The drive and potential roadway improvements depend on that use. Sharon Road West of the intersection was widened and that helps accommodate the turning movements of delivery vehicles. Improvements similar to this would need to be reviewed as my office will require improvements due to the current width of Sharon Road."* Mrs. Barnhill stated the full email is in your packets.

Scott Buedel stated they are back again this month, after everything that happened last month, there is a couple new people but a few of you have heard it before. He said we don't want to rehash the entire meeting but we initially filed this as a C-4 zoning with no use and development commitment, just a full C-4 zoning based upon the proposed use of the property and based upon existing uses to the west and to the north, basically looking at this intersection as a commercial intersection and nothing that would be suitable for a residential house or even an apartment complex due to the size of the property. He said from the standpoint of what all happened last month there was a lot of discussion on the safety of the intersection. He said as far as to Bobby Howard and how he has replied to the request everything that would happen tonight with the commercial zoning, before anything would ever get constructed it would come back before Warrick County with a site plan, all design would contingent upon approval by MPO, Bobby,

and so forth and also INDOT with the drive down to the southwest corner, so those type of issues we realize need to be addressed whenever or if the property becomes commercial property and we can take the next step to hopefully develop the property. He said there has been a number of...he's attempted since the last meeting and he apologizes to the Planning Commission for his numerous phone calls and questions but during the last meeting and during the initial filing, there were a lot of questions as far as is "C-1" adequate for a convenient store and fueling station. He said it is basically like a Hucks or Thornton's; this will be a different brand name but is "C-1" adequate zoning to allow that. He said when he reads the Ordinance and it says right in the beginning that a convenient store, gas station, is permitted, he takes that to be all those activities that are typically associated with a convenient store such as outside sales of and storage of propane, firewood, mulch in season and those type of things. He said so if all those things are permitted if the property gets rezoned and the buyer comes in with a site plan, as long as he is not hindered in his operation of a convenient store which typically takes in all those type of features we would be satisfied with a "C-1" zoned property. He said he knows there was a lot of concern that a "C-4" zoning without a use and development commitment was a little too much for this intersection and especially the east adjoined to the property. He said they realize they have a nice place there and want to offer as much protection to them as they can. He said the other option is if there are still questions about outside storage of firewood and sales of propane and mulch and so forth they would also be willing to keep the "C-4" zoning and do a very restrictive use and development commitment which basically knocks it down to almost a "C-1", that addresses firewood, the sale of beer...which he thinks is in a "C-2" use which talks about bars, nightclubs, and restaurants serving alcoholic beverages consumed on premises and a stand-alone package liquor store. He said again, he feels like this is a convenient store that has a refrigerator in one isle that has beer for sale potentially, they still have to go to the Alcoholic Beverage Commission but if this is considered potentially a shadow of a package liquor store then we would be willing to put in a Use and Development Commitment that everything that is listed in the "C-2" use for all those things that we don't want such as taverns, bars, restaurants serving alcohol, we would be willing to put that in a use and development commitment that if it's considered packaged liquor sales then it would only be in conjunction with a convenient store and he has those same type of things put in there for firewood, fireworks, it's not a stand-alone fire stand but if they had something on their isles for a month of the year, just to basically allow that, same thing with a car wash facility, that it's not a stand-alone car wash but if they were to add a carwash at some point in time then it would only be an accessory use to a convenient store.

Scot Buedel said to step back from that standpoint, with the car wash, the property does not have sewer access. He said this would be on septic. He said the closest sewer is west of the highway, which would be a huge cost to bore across the highway to get to one three-acre parcel of ground so the possibility of having a carwash is not likely. He said from the County's standpoint if "C-1" is adequate and all those uses for potentially selling beer out one or two cabinets in the store, having some outside sales of firewood, propane and ice; if all of that falls under the realm of "C-1" we would be happy to request a downzone from what they initially requested of "C-4". He said however if there is still there still are questions that the zoning should potentially be higher we would also be happy to stay with the "C-4" or "C-3" and do a use and development that is so restrictive that it basically knocks it down to a "C-1" use and a couple of the questionable items that are described in other zonings but limiting it to be being in conjunction with a convenient

store. He said also to follow since the last meeting he has been trying to get some answers as to how the county feels and how they want this presented, either a C-1 or higher zoning with a use and development commitment, from that standpoint he didn't feel like it was appropriate...he was waiting to get some answers before he contacted Anthony to meet with the neighbors and actually last week Anthony called him, he had talked to Sherri Hancock the realtor and he is also here with the owners of the property Bill and Anita Phelps and Bob Clayton. He said Sherri had tried to contact Anthony last week and then Anthony in turn called him and they had a good discussion. He said he is hoping what they are offering is palatable for him and the neighbors and he also knows that Sherri had stopped by and talked to the east adjoiner today, Hobgood and asked if there were any particular concerns and he doesn't think they've ever had an idea of not trying to put something up there, be it trees or a berm or a fence. He said he thinks the last time they were here he had drawn up a rough preliminary site plan to show the position of what they are talking about and pushing it as far west on the property as they can. He said he had already shown the trees on the property because they had anticipated that they needed to do something for them. He said as far as the owners now and the potential buyer he doesn't think they have a problem of adding more of a buffer for them. He said his only concern with the positioning of a berm, if a berm gets so large or tall, every foot of elevation you add to that berm it is going to spread out a minimum of 6 feet if the sides are 3-1. He said based upon where they have their proposed improvements on the west half of the property and where that berm would be adjacent to the Hobgoods property. He said the berm starts widening out so much that for them to be able to put a septic system field bed, mound system, whatever will be required, it really starts shrinking down the distance between the building and that berm. He said so they want to make sure they retain enough width behind the building to be able to have their septic system in there too. He said from the standpoint of offering anything to the neighbors and presenting it to them, that has not been done but we are definitely willing to show that to them tonight. He said he knows that the offer of a use and development commitment can be done prior to the next meeting, get that use and development commitment filed with Area Planning and have that on agenda for County Commissioners.

Jeff Willis asked for questions from the Board.

Attorney Doll said in our County Zoning Ordinance under "C-1" subsection 3:7 provides for a convenient store and fueling facility, which do not offer automotive service or repair. He said so the only limitations unto the definition of a convenient store in our ordinance is that it cannot offer automotive service and repair that is a separate business in a separate zoning category. He said what Indiana law generally does is once you enumerate permitted or not permitted activities you are generally limited to the enumerated events. He said so because it doesn't say you can't sell firewood or it does not say you can't sell seasonal fireworks or it doesn't say you cannot sell alcoholic beverages which is regulated by the state agency and not us and it doesn't say you cannot have a carwash or anything like that it would be my interpretation that the ordinance permits those activities usually and customarily associated with convenience store but would not allow automotive service repair to be there. He said stand-alone fireworks is a different zoning category and stand-alone firewood but that is not what we are talking about here; these are primary purposes and these are secondary activities that would be occurring and it wouldn't be so different that you see at all the other convenient stores in Warrick County. He said in that

general are in the County outside of Newburgh they all sell similar items to this; they sell bundle firewood, they sell propane cylinders for home grills. He said so it would be his interpretation of "C-1", which is the least imposing zoning category in the county, would be appropriate for a convenience store at that location if the Board chose to approve it. He said could you also approve a higher zoning category with significant restrictions; yes, those commitments would have to comply with Indiana Code 36-7-4-10-15, which requires them to be submitted in writing and enumerated, and they would have to be recorded. He said but frankly, he can't see why a "C-4" would ever be needed for the activities that have been described. He said "C-4" deals with much more aggressive use of the property; contracting equipment yards, industrial equipment facilities, nursing homes, welding supplies, much more of a commercial construction business approach. He said he thinks "C-1" is inclusive enough of the design of the desired purpose. He said if the applicants desire to amend their application under our rule 4.41 of the APC, it allows the petitioner may request the Commission to allow him/her to amend the subject petition to a lesser classification than advertised at the hearing if all other aspects of the petition remain the same. He said in other words, still intend for it to be a convenient store. He said the Commission might grant the request without re-advertising or notification to abutting property owners. He said the landowner or applicant can make a request to move it to a "C-1" and in his opinion, a "C-1" allows all the activities typically associated with a convenient store and that a "C-4" would not be necessary for that business at that location. He added that he is sure the other side wants to be heard.

Jeff Willis said sure, he wanted that clarification then when he comes up he can address it more appropriately instead of trying to address it for both.

Attorney Long stated he works at 415 E. Main St. here in Boonville. He said for the benefit of the folks that were not here last time there was a two-hour or thereabouts hearing and it was only in the later part of that hearing that we found out who was going to be using the property. He said it was an unknown person and we still don't know much about them. He said they came in and filed a zoning application for the highest commercial zoning you have. He said it was obvious from the beginning, it was obvious from the last meeting that they didn't need anything more than a "C-1" and we took the position if they could come up with a reasonable use and development commitment that would solve the issues of his client's they could probably agree on that. He said they think, as a concept that "C-1" was not with the property precaution is not necessarily unreasonable use. He stated his biggest concern was they stand up and say we might consider this or if we get to high and broad, we may have to move the building. He said there are just too many shots in the dark. He said it was very clear when they were here last time, what they were left to do. He said we were to do our research to find out what the facts were and to sit down and come up with a use and development proposal to have for us tonight. He said he waited until last Wednesday until he called Mr. Buedel to tell him he expected to hear from him. He said he stated the same thing from me. He said he has known Scott for a long time and has no quarrel with him but he couldn't get the answer he needed out of the Planning Commission and that is the same thing he said tonight. He said it was pretty clear last meeting what the answer was, it was clear to him and we were sent forward to do their research, meet, and come up with a use and development conditions. He said his clients if you recall had five-day notice to get prepared for the hearing and we asked for a continuance but we didn't get that. He said after the hearing you all said do these things, what we have done was our clients organized and they have selected a three member negotiating committee. He said he likewise have met with Bobby Howard and Steve Sherwood from the Engineering Department and Highway Department. He stated they gave him a copy of the email that was sent to the Planning Commission and read to you earlier. He said he told me he didn't know what they were going to do. He said they didn't

talk to him, he didn't know about tractor-trailers coming in and out of that place off Sharon Rd. He said Bobby and Steve were both spot on they said before you get an Improvement Location Permit those have to be dealt with but we don't assume any role as remonstrators in doing a conditional agreement because that will be taken care of. He stated one of the things that said to him was that they would probably have to widen Sharon Rd. He said they would possibly have to make acceleration/deceleration lanes on both sides and the turning radius coming in and out of the Sharon Rd. intersection, as you know is a heavily utilized and the traffic counts, he doesn't know if you all got them or not but he did. He said you might ask them to provide them. He stated on Sharon Rd., which is adjacent to the property, 2688 vehicles a day and on SR 66 just north of Sharon Rd. in the north bound lane is 17,194 vehicles a day. He said we talked about a carwash and they said it is too far to run the sewer to it they are going to put a septic system in there. He stated that is the first knowledge they have had of that. He said when he talked with Scott last Wednesday; he can tell you that the Marathon station across the road is on sewer. He said they connect on the backside of the property and it is a Newburgh system he is sure. He said he doesn't think they know what they are going to do; they have sent you a generic design. He said this thing was drawn the same day they ... that is not a representation of what they are going to put in there at all. He said that is what maybe they could put in there. He said they just aren't ready. He stated it is troublesome to him that as helpful as the staff is here at the Planning Commission they answer questions and he has never had any trouble. He said he thinks that is his job. He said if he represents somebody that comes before you, he is the one that comes in and says this is my research, this is what he thinks we should have, and this is why and he asks for that zoning. He said that didn't happen here. He said there is nobody that talks about anything in a "C-4". He stated they came in and took a shot in the dark thinking nobody would show up and they would get a "C-4" passed and ran into a brick wall. He said they have in addition to checking out the sewer status, the traffic counts, and the probability of the reconstruction of Sharon Rd. He said they have taken the energy and the effort to research the landscape design from an architectural firm and given the dimensions of what they think would be a satisfactory mound or hump out there to run between the Hobgood's property basically on the lines where the little circles are on the one you have. He said they know basically the size, at least what the landscape architect, seems to think it needs to be. He stated he has given us three choices of suggestions of trees, which our County Extension agent will be happy to know that none of them was pines. He said she was adamant about that. He said they have Norway spruce, American Holly, and Arborvitae, whatever that is he hopes it isn't a pine tree if it is he has misrepresented. He said that would be his ignorance if it were. He stated they have looked at some fencing options that might be appropriate for the property and we have been sitting and waiting around for them to follow through on what you all wanted us to do. He said to sit down and come up with a use and development. He stated they do not have any objections to amending it to a "C-1". He said he thinks, from his discussion with Scott, that they will come up with a use and development. He asked is that what you call them.

Attorney Doll replied commitment.

Attorney Long stated they don't seem to be objectionable to a berm and they proposed trees on it themselves. He stated Scott told him there has to be some land that will have to be moved on the site to make the berm. He said they are troubled about the sewer; a carwash on a septic system will not work. He stated most places in Warrick County without a carwash they don't work. He added they are ready to go and want to do this but he thinks what they are asking that they want you to approve this subject to and they aren't for that. He said they think they would withdraw an objection to a "C-1" if they could get the commitments they need in order to protect his clients' residences. He said all of his clients that are represented in this matter are residential type clients. He stated this is a densely populated residential area and there is a lot of traffic. He said that is another thing, they believe in 2017 there were seven accidents at the intersection and 2018 so far there had been six accidents at that intersection. He said he doesn't know at what level they just did a generic inquiry about if it were an accident-prone intersection. He

stated the biggest thing of concern was when your staff read that SR 66 was a controlled access highway, that it has directional medians in it, so if you come off the property onto Sharon Rd. if you want to go south on SR 66 you will have to go up to the light or get back on SR 66 and do a U-turn from what their proposed driveway is. He said what kind of vehicles, traffic, and operation because they have yet to hear or see actually from the proposed purchaser. He stated as far as he knows he was a stranger to this proceeding. He stated the use and development conditions they would want, he has read the statute too and by the way, the one that you did for the wine shop has the wrong statute in it. He said you might want to mark that out and update it. He said the only reason he knows is because your staff helped him find the ordinance section and then he found it. He said they went under the 6-13, which has been repealed, and Mr. Doll cited the correct one tonight 10-15 it is correct. He said he has started the thought process to drafting that so it could be ready with enforcement provisions. He said they didn't know if the applicant's would want to agree to what they want in terms to this agreement and until they come and ask, they are not going to know. He said they are ready to go on this and we appreciated the efforts you gave the last time. He said they think the best thing to do, and he realizes they can't ask for it, would be to push this down the road to make them both do what you all instructed them to do last time but has not been completed. He said he would be happy to address any questions to that ...

Attorney Doll asked if he could ask a couple of questions.

Attorney Long stated certainly, he doesn't know if he could answer them but he will give it his best shot.

Attorney Doll asked does the Board know what your clients... if the Board doesn't know specifically what commitments they seek from the developer do we or more importantly does the applicant know the topics that you would like to have the commitments deal with and could you share that with us so we know what you are wanting.

Anthony Long stated he could share some of them.

Attorney Doll stated he is not trying to pin them down.

Attorney Long stated he appreciates that. He said that is a fair question and he was trying to put a little disclaimer to it. He said the berm, the vegetation on the berm, and the maintenance of the berm. He said they would like to know what their proposed hours of operation are.

Attorney Doll replied he thinks they said last time 24 hours.

Attorney Long stated they assumed that but just wanted to hear them say it and they aren't going to argue that it should be anything other, he didn't think but he has no word at this point. He said they are concerned about the direction of the lighting, about the drainage, strict compliance with the metropolitan planning organization and state highway roads specifications; which everybody that is in the business knows what those things are and if it is just plugging it into the computer. He said they are a little concerned about noise if there is any activities that are beyond the regular activities of a convenience store. He said if they are all talking a convenience store in the customary sense he doesn't see a problem with that. He said they would like to know, other than a concept what might happen drawing, they would like to see something scaled out as to what this guy that was buying this ground was planning to do. Anthony Long said we would like to have some reason why they can't hook to the sewer that is already there across the street from them. He stated he thought they alluded to that the last time. He said they thought the Marathon station was on a sewer; our research is, he didn't do it himself but his clients have represented to him that it is. He said one of the things that they will have

when they sit down with them would be some pictures of some FastTrack Stores in the area and how well they were ran and see if they have a legitimate concern about the maintenance and upkeep of the property during its operation. He asked his client if that was where they were.

Holly Hobgood replied there is the concern of if Sharon Rd. will have to be widened for the traffic how that will affect their property. She said there wasn't anything planned for that.

Attorney Long stated this is a catch 22 for them. He said they would like to know because if they widen the road they have property that may be involved with that. He said they would like to know what it is and how this might affect access to any of the properties of his clients. He said it would seem that a review of their operations by the proposed developer would be able to provide enough information to the highway department to give a preliminary opinion as to what actual improvements subject of course to when they get into final drawings. He said they aren't trying to put them in a box to make it impossible for them. He stated any adjustment to the property; they are concerned about a mound system or field bed system, where it goes, where the outlets are, how it is going to affect the potential drain to the areas it would be draining into. He said one thing he applauds the previous development commitment the enforcement mechanism that should be allowed to be enforced not only by the Planning Commission or by the legislative body of the County, but the folks that live within the territory that is directly affected by this. He said they think that, if we are looking at substantial improvements, there should be a letter of credit requirement to insure that the money is there to put into the improvements necessary so they don't get half way through the game and it goes belly up. He said that is the best he can on a short, and as he sets down with his folks, they may come up with some other things but they are the ones that leap out at him as major concerns.

Vice-President Willis asked if there were any other remonstrators.

Tom Haas, with Marion Development, stated he lives at 29 N. Faith Evansville, IN. He said he is partial owner to a piece of property that is due south of this corner. He said it is approximately 3-4 acres. He said the reason he came up here was not as a remonstrator but we do have city sewers down in the corner of their property, which would be approximately 700-1,000 feet from their property and they would be willing to work with them to give them access.

Brian Polk stated he lives at 6866 Sharon Rd. He said Anthony Long touched on but he wanted to mention, he is a geologist by training, run off from a convenience store that has hydrocarbons in it and possibly surfactants from a car wash going in to a septic system is not good for ground water. He said he doesn't have any data that he could hand out or show to you but he does know that hydrocarbons and surfactants going into ground water is not a good thing. He said he wanted to be on the record to state that. He stated that is the most troubling thing that he has heard tonight that they put this on septic because it is too expensive to take care of the ground water and go into a sewer.

Attorney Doll asked are you on city water, on potable water or are you...

Brian Polk stated he is on city water. He said he is across the road though.

Warren Wright stated he lives at 5233 Anderson Rd. He said he is just a short distance approximately a mile from that intersection. He said he was before that intersection was, before it was built so he is very familiar with the traffic conditions there. He said there is a school located within one half mile from that intersection. He said you get kids coming, people bringing their children. He said the speed limits on that road when it comes; the road has been improved in the last couple of years or so. He said the north bound up there coming up SR 66 to the intersection it drops from 60 mph to 55 mph about the curve, by the time they make that hill they are supposed to be slowing down because it is a 45 mph right past that. He said he would promise you if you come up to that intersection from either direction from east or west on Sharon Rd. and you catch a red light and you decide to go out when the light is green you had better take another look. He said he didn't know how many times, he didn't keep count, but many times semis will be coming with smoke off their tires from locking it up and they are blowing their horns. He said it is a very dangerous intersection right now and we are talking about multiplying the activity in that intersection. He said he doesn't think it will be easily done but it can be done, probably expensive to make that a safe intersection because it is not a terribly safe intersection right now. He said when you compound the problem there could be a real problem.

Scott Buedel stated just to follow up the one thing that was mentioned about the septic and the car wash. He said the reason he even mentioned the car wash, typically that is an associated use to some convenience stores, but being on septic that is not something that will be permitted or done. He said he is trying to leave his options open as a convenience store but the standpoint of the carwash and knowing that the likelihood of this property not being on sewer and being on septic they would be happy to say a carwash, even being connected to a convenience store, is not permitted. He said maybe he stated it wrong but they know you cannot have a septic system and dump a carwash into it, that isn't going to happen. He said the volume would be outrageous to try to construct something like that. He stated from Anthony's comments they do need to sit down and hammer out the exact details of a use and development commitment and he has no objection to doing that and is ready to meet tomorrow if they are ready to do this. He stated he was looking for answers to accident rates and he finally received them from the Sheriff's Department. He said he thinks Anthony stated that there were seven in 2017 and there had been six so far this year. He said he agrees he did find all of that information. He stated on the sewers they are not in full design mode at this time, if the property does get rezoned that is when we will go out and do topography, we will go through INDOT, we are going to go through the county to get the Commercial Drive permits. He said there maybe deceleration/acceleration lanes that will be required to be installed to make it a useable, safe development for not only his client and their customers but for the adjoining land owners. He said whatever the recommendations are for the development they are going to be met. He stated they realize they can't just get a "C-1" zoning, come in, and force Warrick County to say they can do whatever they want there are still a number of steps to go through to get everything ready for construction. He said there was a comment made about drainage, granted they haven't topoed the site, but they have brought in light art contours on the property and down on the southern end of the property there is a pretty good ravine that this property funnels into the south line of the property and shoots off. He said looking at the contours, this is not surveyed accurately but these are usually pretty close, it appears that from the Hobgood's garage to the west, that is a high point, and the property line

there may be some water that falls back onto their own property and some of their water comes onto our property. He said they are not going to shoot flow and send a lot of water in their direction and cause any drainage concerns. He said when we go through site review there will have to be a basin constructed to County standards that is going to detain storm water and release it at the rates that are required. He said being at that stage now, the property is pending sale, pending upon getting a commercial zoning, he isn't going to buy the property for the use of a convenience store if it is never going to be zoned commercial. He stated if the property does get zoned commercial he is ready to move forward with the development. He said conceptual layout that we did before that was actually the third or fourth iteration that he came up with and when he first looked, at the property he thought why not clump some things up and keep it centered on the property. He said as he sent it to Rajah at FastTrack they kept going over to where he wants his pumps, canopy's, and building as close to SR 66 as he can get for the visibility. He said that also offers the buffer to the adjoining property to the east. He said the comments about existing traffic patterns and safety of that intersection, when he talked to the Sheriff's office he was trying to get a feel if this was a high accident rate intersection or something that is on their radar as a major problem. He said there was not a concern with this being that bad of a problem. He stated from what was just said that people were speeding coming down a hill and cannot stop, that is an existing condition that is there now with INDOT's design of that roadway. He stated if there are major concerns that is something that could be addressed with INDOT on making improvements to that intersection in the future. He said for anything they may add to that there might be a little volume added to it but their access points are not directly at the intersection so he doesn't think they will cause any congestion of that intersection based upon what the gas station across the street looks like and has looked like for years. He stated their drives are right there at the corners pulling in and out is probably a little problematic if someone is sitting at the light and someone is coming off SR 66 and onto Sharon and wants to get in there could be some congestion. He said that is an existing sight that has been there for years and years; the new sight, that would be designed and developed, the driveways are significantly further away from the intersection than they are across the street. He said everything would go through Warrick County, this will be for Bobby and Steve's review as far as the sight plan goes. He said he understands their concerns and questions as far as what is going there, but for the buyer he wasn't going to purchase the property until it was commercially zoned. He said if it is commercial property then he was willing to move forward and they will take all of those items into consideration and take care of it to the satisfaction of both the County and meeting with the adjoiners. He said he apologizes that meeting with the adjoining property owners didn't happen but he has been asking questions for a while. He said getting the answer to my question tonight, he feels comfortable with Morrie's determination that the "C-1" is satisfactory for a convenience store. He said if that was the determination and there aren't any hiccups down the road to develop, the sight as a convenience store, they are fully on board with that, they don't have any issues with that whatsoever. He said Morrie you had asked Anthony to state some of their concerns, he does have a use and development commitment drawn waiting before he presented it to the adjoiners to make sure everyone was in agreement with it. He said many of the things that were discussed and requested he has written already. He said he has directional lighting will be used to minimize light exposure to the property to the east; they realize that is a necessity. He said he talked about installing the two rows of cedar trees on top of the earthen berm and it states at planting what the height will be on the trees. He stated all of these things can be worked out at a

certain point but for us to say this is it and nothing else they are willing to sit down and talk with them but they are hoping for a little give and take. He said they are agreeable that the “C-1” works but also willing to do some sort of buffer with the adjoiners be it a berm, fence, or trees. He added he does have the berm listed in there telling what type of materials the berm would consist of and the size of it. He said he is trying to be proactive on their side, he has been trying to look at a lot of the information, but without full knowledge of how it is even going to proceed and what they were even asking for he didn’t necessarily know how to present it to Anthony.

Attorney Doll asked are you agreeing with Anthony then at this point in time, the use and commitment agreement has not been negotiated to the point, obviously, they haven’t seen what you have drafted.

Scott Buedel replied correct.

Attorney Doll asked are you to continue this application to rezone this parcel. He said are you asking to amend your application to a “C-1”.

Scott Buedel replied yes.

Attorney Doll replied that takes a motion, a second, and a vote to allow that to occur pursuant to our rule 4.4. He said he thinks that would be appropriate now at least.

Bob Johnson said that is to amend the...

Attorney Doll stated the “C-4” application to a “C-1” rezoning application. He said you could do that now pursuant to rule 4.4 subsection B.

Doris Horn made a motion to amend PC-R-18-10 from a “C-4” to a “C-1”. The motion was seconded by Bob Johnson and unanimously approved.

Attorney Doll stated now we have a “C-1” application. He said that much has been accomplished but his concern is the remonstrators have itemized approximately 10 points they think should be addressed in a commitment that would relieve them of their concerns about this development. He said the applicant has indicated they are willing to enter into a use and development commitment for this property covering at least some overlap of some of the 10 topics. He said the problem is both sides haven’t been able to get together and come to an agreement on what the language of those use and development commitments will be. He said the Board’s or Planning Commission’s hands are tied pursuant to State Statute section 10-15 that says if an applicant is going to submit a use and development commitment then that has to be done in writing and we can’t really approve the rezoning of this parcel even to a “C-1” if there are going to be commitments. He said since we don’t currently have them because there has not been the communication between all sides. He said even if you said we are going to make these eight commitments, this is what the applicant is willing to do, the other side hasn’t seen it yet so he doesn’t know how we could deal with deciding if those eight commitments address their issues or not. He stated he is just using that as an example. He said his question to Scott was are

you asking to continue this application to rezone it to a "C-1" for another month to do what he thought they were going to have done by this meeting which was have everyone sit down at a table and say try to come to an agreement on how to handle the concerns. He said even though you don't come to us with a specific blue print quality drawings about this you came to us with these commitments about these topics in general terms. He said if we are going to do that, it has to be in writing and it needs to be at the time we rezone the property. He stated we couldn't grant the rezoning in his legal opinion to the commission and then retroactively go back and put conditions on it. He said if we are going to have conditions then the conditions have to be incorporated in the approval of the application for the zoning by state statute. He said back to his question are you asking to continue this again so you can get with Anthony, we now have a list of ten topics and there may be more or less he doesn't know, but the question he has are you asking to continue this again to bring us a set of commitments. He added it might be you don't get an agreement but that doesn't stop you from coming to us with your commitments and they could ask us to impose other commitments or conditions of approval. He stated right now we are like two ships passing in the night and he doesn't know that each side knows what the other side is expecting. He said long question simple answer yes or no, are you asking to continue the application again to try to work out these commitment issues.

Scott Buedel said the commitment cannot be added after this meeting prior to.

Attorney Doll replied no. He said we couldn't say stand up and state verbally on the record its x, y, and z. He said no we could not approve this, come back, and add commitments. He stated we have to have the whole package in front of us so the Board can do its job and decide if they want to approve a recommendation, that is the funny part about this, we don't make the final decision. He said we are the public hearing body on the rezoning and, as you know, we just recommend to the County Commissioners at their next meeting we think you should do this or that after we have heard from the general public and the applicants. He said then they will make the final decision. He stated we could not approve a rezoning in then retroactively go back and tack on commitments after the fact it has to be here it is in one consideration and everyone has had their say. He said we may have an agreement on all of the terms but we may not have an agreement on all of the terms but at least we have them all in front of each other at the same time at the same public forum. He stated that is what he is asking about now. He said he doesn't know how the Board could rule on your application even though we have it in the correct category if we know there are commitments coming. He said if you don't want to submit commitments that is your right. He said then the Board would decide on your application and what recommendation to give the Commissioners. He said without commitments that is probably a risky opportunity but it is your right. He stated the Board really needed this to be talked about among the sides that is what we thought was going to happen after the last meeting.

Scott Buedel replied he understands and that is why he was trying to get a determination on what they are even asking for. He said he does have a use and development commitment put together but it hasn't been seen but it is for a "C-4". He said the way he has it written up it is for "C-4".

Attorney Doll stated that doesn't work and they haven't seen it and they should have a right to see it.

Scott Buedel replied he understands.

William Felts stated he was determined to keep his mouth shut but he doesn't guess he can. He said he wanted to share with us that he was in the United States Marine Corp; he spent a year on Okinawa and six months in Vietnam, so we could all have this liberty. He said he thinks the things that you are discussing, the Committee, the remonstrators, and everything are not part of the job of the rezoning Board. He said the Board is to pass or recommend zoning. He stated you have the criteria for a "C-1", which is what we accepted tonight. He said when it comes to the restrictions or whatever the Area Plan or the County Commissioners would have the place to make the decision or require certain things to be done. He asked if he was wrong.

Attorney Doll stated as he said to Mr. Buedel he has the right and you have the right, as property owner, to ask the Board to approve the zoning with a "C-1" with no conditions.

Mr. Felts replied ok.

Attorney Doll stated if that is your request we could see if there is a motion, a second, and a vote.

Mr. Felts said when we left here last month it was very annoying what happened. He said he was personally upset himself. He said he doesn't want anyone sick, hurt, or anything. He said there was a lot of emotion here. He said you were here.

Attorney Doll stated yes, he was for two hours.

Mr. Felts said when he left his request was that they get with Mr. Long and his people and sit down and talk.

Attorney Doll stated that was our request of everyone in the room.

Mr. Felts stated it never happened. He said he didn't know...

Someone in the crowd stated they called Mr. Long's office; he didn't receive a return call.

Attorney Doll told them if they were going to speak they needed to come up and sign in.

Sherri Hancock said we had July 4th thrown into the mix, which didn't help at all, but she did call Mr. Long's office and left her name and phone number but did not get a return call. She said she wanted to have the buyer here but unfortunately, he is New York today so that wasn't possible. She stated they know the highest best use for this property is commercial, a man has a right to sell his property, we are willing to cooperate as much as possible with the people who live next door and with what the buyer is wanting. She said we haven't been belligerent or bellicose; we have tried to provide what we have been asked to provide. She said it seems like all they are asking for is the lowest commercial zoning and why we have to present a whole list of all of these things, which you don't get started on until you have parcel of land that you can

sale for a specific purpose. She stated so they need it zoned commercial because no one will buy his land to build a house, it wouldn't happen.

Attorney Doll stated if Mr. Felts wants to ask the Board to vote on a "C-1" with no commitment, he has that right. He said you will have to see what the Commission's decision but he cannot predict what that is.

Mr. Felts stated he understands that but he agrees with him and he thinks what should have happened, and what happens with twitter...

Attorney Doll stated please do not throw us in twitter.

Mr. Felts said he thinks people should sit down and talk, that is exactly what they asked for, and they did not get.

Attorney Doll said his question to Mr. Buedel, and he doesn't mean to continue this, but his question to Mr. Buedel was do you want more time to sit down and talk tonight.

Mr. Felts said in order to give the Board what they need he sees that they have no other choice, but it might run the buyer off, it might do this, or it might do that but he doesn't think the Board is going to you know... Scott suggested the berm and he says who is going to maintain the berm. He asked why that is no communication, you don't set down. He said if we would have sat down, talked, and said we will give you a berm and they said are you going to maintain it. He said they haven't done it so the only way they can give us what we want is for them to talk.

Attorney Doll stated right, which is what we asked you to do four weeks ago.

Mr. Felts replied he couldn't make them talk.

Attorney Doll said he isn't pointing fingers at either side as to who frustrated that. He said when we were here for the first part of this public hearing, Mr. Felt at the end of it we agreed to continue it at your engineer's request to allow all of the parties to get together to try to talk and answer questions about it.

Mr. Felts replied he is willing to talk at any time or any place that they want if we can get their attorney to agree to that.

Attorney Doll stated ok, maybe we can ask him in just a minute. He said if we get a commitment for a dialog, a conversation, a discussion of the topics that Mr. Long talked about tonight and whatever topics are in the draft of the commitments that your engineer has; are you asking the Board to continue your application for another month.

Mr. Felts said he is agreeing with you in order to ... yes, he is asking to continue because that is the only way he can get you the answers but he doesn't know if their attorney is going to talk to them.

Attorney Doll stated we are going to ask him. He said we are going to ask Mr. Long.

Sherri Hancock stated another thing they wanted “C-1” the bare minimum, we may lose this buyer, seriously. She said this is going on month after month at this point.

Attorney Doll said he wants them to understand he doesn’t feel that the Commission has caused the delay in acting on your application. He said he wants to defend his Board.

Mr. Felts said the Board caused one month.

Sherri Hancock said last month you did.

Attorney Doll stated we were here last month.

Mr. Felts said he thinks it was May, they were going to fly in it doesn’t matter.

Sherri Hancock said the meeting was canceled.

Attorney Doll said there are deadlines to file the application.

Sherri Hancock said no, they were within the deadlines but the meeting was cancelled.

Bob Johnson said there was a meeting that was canceled.

Attorney Doll said ok.

Sherri Hancock stated that Scott called numerous times here to the courthouse to find out if “C-1” would be adequate. She said he couldn’t get a definitive answer. She stated he talked to several different people. She said we are just asking for the minimum commercial zoning.

Mr. Felts stated lets don’t take any more time let us find out if they will meet.

Attorney Doll said Mr. Long.

Attorney Long stated he was the one that tried to get a meeting, he had called Scott, when we going to meet. He said he has never called him to his knowledge.

Attorney Doll asked him if he had his calendar.

Attorney Long said he is not going to meet with the realtor, she is not representing anybody here and he did not get a message from her.

Sherri Hancock stated she is representing the buyer himself.

Attorney Doll asked if he had his calendar with him.

Attorney Long replied he did.

Attorney Doll asked if he could propose dates. He said he feels like he is a secretary. He said could you propose dates here. He asked Mr. Buedel do you know your calendar, do you have it on your phone. He asked Mr. Felts if he knew his calendar. He asked whom all needs to be at this meeting.

Mr. Felts stated he could meet any time he says.

Attorney Long said the week of July 20, 2018.

Sherri Hancock said sir, she is representing the buyer and...

Attorney Long stated the buyer is not a player yet. He said you are not representing anybody before this Board. He stated Mr. Buedel is he is the representative before this Board.

Mr. Felts stated the 16th he agrees.

Attorney Doll said that is a Monday.

Mr. Felts said he agrees.

Mr. Felts and Attorney Doll both asked what time.

Attorney Long stated he wants to talk with him because they won't be able to negotiate with this gentleman. He said Scott is going to be at the meeting.

Mr. Felts said no that isn't what was asked for he is the applicant.

Attorney Long said you have a representative here, sir.

Mr. Felts said pardon.

Attorney Long said you have a representative to speak for you here.

Attorney Doll asked wouldn't Scott be allowed to bring an attorney once.

Mr. Felts said he is a representative and we are the owners of the property.

Anthony Long said he is just telling you if you want it settled you better bring him with you because your attitude has been not ...

Attorney Doll said he thinks it is important for Mr. Buedel to be present to answer engineering related questions but Mr. Felts is the owner of the property and he is assuming Anthony that you may want some of your...

Attorney Long said he has three people. He said we have had our meeting; we have our representatives for the meeting. He said we are prepared.

Attorney Doll said ok, you are ready on your side, you are going to have some homeowners present, Mr. Buedel will be there and he will bring Mr. Felts.

Scott Buedel said and or Bob, he is an owner also.

Attorney Doll stated ok.

Scott Buedel said to avoid the back and forth.

Attorney Long said it isn't our job to negotiate these meetings.

Attorney Doll said he agrees.

Attorney Long said they would like to have exact facts and figures for the wishes of the people. He said both sides make (inaudible comment) and this is totally disrupting the whole meeting but which two sides you have a board from one side or everybody involved from both sides gets together to get this recommendation.

Mr. Felts said that is what we want to do.

Attorney Doll asked if the applicant was asking to continue this.

Attorney Long stated the 16th is a problem; he went by his calendar, the same week on the 19th at 5:30 in his office. He said they have a conference room that will handle them. He said he was sorry he should have checked the master calendar.

Mr. Felts said he could meet the 19th at 5:30 p.m.

Attorney Doll asked are you asking to continue the application then until the next meeting.

Mr. Felts replied yes sir.

Attorney Doll stated that takes a motion, a second, and a vote.

Bob Johnson made a motion to continue until the next meeting. The motion was seconded by Doris Horn and unanimously carried.

Attorney Doll stated that the next meeting would be August 13, 2018.

Attorney Long said that is the 13th and we are meeting the 19th put that in your calendar.

Attorney Doll stated you are meeting the 19th of July we care but we don't need to be there. He said we would see you on the 13th of August.

PP-18-07- Victoria National Club Commons by Victoria Operations LLC, by James G. Barnett, Mng. OWNER: Same 25.2 acres located the N side of Roslin Rd. approximately .5 miles NW of the intersection formed by Roslin Rd and Oak Grove Rd. being a subdivision of Lt 2 in Victoria National Golf Club Minor. Boon Twp. *Complete legal on file. Advertised in the Standard June 28, 2018.*

Nick Casala, agent for owner was present.

The Vice-President called for a staff report.

Mrs. Barnhill stated we are missing one green card from the Roslin Road Development Corporation but we do have all of the white pay receipt and they were mailed to the correct addresses and within the correct time frame. She said the property is zoned "C-2" and "PUD". She said the majority of the subdivision is not in the flood plain but there is some "A" flood plain. She stated there are three lots and one outlot in this. She said they are requesting no additional improvements to be made to Roslin Rd. and no drainage plans. She said that was approved today. She stated there are no new building sites and sewer and water are already approved and in place for the existing clubhouse. She stated there are two non-buildable sites to be set aside for future development. She said lot 3 is where the existing Victoria clubhouse is and there is one outlot set aside for future green space for the trail area. She said the purpose of this subdivision is to separate the land to different entities within the Victoria development. She added everything is in order.

Vice-President Willis asked if they wanted to add anything to the report.

Nick Cassala replied no, he was prepared to answer any questions they may have.

Vice-President Willis asked for questions from the Board.

Attorney Doll asked the purpose of this is really a legal matter you are just separating title.

Nick Cassala said this is an attempt to separate title, correct. He said once and for all trying to clean up all of the parcels between the proposed development company verses the club and the club related activities. He stated right now there are five or six different entities and it is all going to be consolidated.

Ascertaining there were no questions from the Board and no remonstrators the Vice-President called for a motion.

Bill Byers made a motion to approve PP-18-07. The motion was seconded by Doris Horn and unanimously approved.

PP-18-08- Huffman Estates No. 2 by Milisa Lane, Executor of Lucy Lane Estate OWNER: Lucy J. Lane, Alva Johnson and Barbara Johnson. 63.18 acres located on the S side of Huffman Rd. Approximately .5 miles E of the intersection formed by Hwy 261 and Huffman Rd. being a subdivision of Huffman Estates Minor. Boon Twp. *Complete legal on file. Advertised in the Standard June 28, 2018.*

Milisa Lane, Executor of Lucy Lane's estate and Rodney Young, surveyor, were present.

The Vice-President called for a staff report.

Mrs. Barnhill stated we are missing a green card from John and Coleena Pursley and Peter Rudolph. She told Rodney Young that we would need those whenever you get them. She said we do have the white pay receipts showing they were mailed before the 21-day deadline. She said the property is zoned "A" Agriculture and "Con" Recreations and Conservancy, which has a minimum lot line of 2.5 acres if on septic. She said there is no flood plain and it was proposed nine lots. She stated the Commissioners did approve no additional improvements to be made on Huffman Rd. and the Drainage Board approved no drainage plans. She said Aaron Franz with the Warrick County Health Department has signed off on the sewage disposal certificate. She said we have a letter from Veolia Water stating the City of Boonville has a water line in place and is available for the connection for the lots 2, 3, and 4. She stated lots 5 and 6 currently have existing homes with connections and lots 7, 8, and 9 are not building sites; therefore are not approved for connection at this time. She said the proposed development is two lots with existing homes; they are 2.8 and 2.5 acres. She said there are three new building sites that are 2.5 acres each. She stated the plat shows two non-building sites, which are 2.841 acres and 34.76 acres. She said there are two land locked lots that are 4.06 acres and 7.23 acres and they are to be sold to the adjacent property owners. She said the plat is in order.

Vice-President Willis asked for questions from the Board.

David Hachmeister asked what does that do when they show they have not been mailed in time.

Attorney Doll stated it shows they were mailed in time we just don't have the green cards back.

David Hachmeister said excuse him he didn't hear her and read it differently.

Attorney Doll said that is what he had is that accurate.

Mrs. Barnhill replied yes, that is correct they were mailed in time.

Attorney Doll stated that Mr. Rudolph was at the Drainage Board meeting today so obviously he was notified. He said he was one of the parties whose card wasn't received back yet.

David Hachmeister said she said we did not receive these pay receipts but we won't be remailing them out.

Attorney Doll replied right.

David Hachmeister stated we hadn't received the pay receipts showing they were mailed on time.

Attorney Doll replied right.

David Hachmeister said so they were probably mailed on time

Attorney Doll responded we have access to the white slips

Mrs. Barnhill stated she has those in the file.

Attorney Doll said they show they were mailed on time.

Mrs. Barnhill replied yes.

Ascertaining there were no more questions from the Board or remonstrators the Vice-President called for a motion.

Bill Byers made a motion to approve PP-18-08 Huffman Estates No. 2. The motion was seconded by Doris Horn and unanimously carried.

Other Business:

Mrs. Barnhill stated we have someone coming in Wednesday for a site review meeting. She said they want to ask questions about food trucks and how we regulate them and what they need.

Attorney Doll stated in the past when a seasonal vendor has wanted to put up a temporary business location in the parking lot of a grocery store or the parking lot of Newburgh motion picture theatre, the office has provided them with a temporary location improvement permit. He said they have a start date and an end date, they pay a fee and that way we know where they are, what they are doing, and how they are doing it. He stated in addition the County Health Department issues a license, either short term or long term. He said short term would be you are going to be here at this location for two or three days, that way the safety issue of the food provided was being verified. He said a long-term license is they are going to be here all summer. He said he thinks Sherri's question, who is unable to be here tonight, she wants to know whether we want to continue that process or change it because we understand that the applicant coming before the site review committee was affiliated in some capacity with a brewery, a winery, a distillery, or a combination of all three, if he recalls. He stated they don't want to provide food they want to invite food trucks to their property to provide food to their customers who come to their brewery, winery, or distillery. He said the question gets to be how do we provide that, how

do we deal with that because that may not just be summer months it might be for a long time. He said he and Sherri talked today about question of whether it is on private property or is it on public property. He asked if they were going to park the food trucks in the public right-of-way or in the parking lot of the brewery, winery, or distillery. He said he doesn't know if we know enough to answer the question he thinks Sherri wanted to bring it up that we needed to think about it because this was becoming a question that was happening. He stated that was about all he knows, did he miss anything.

Mrs. Barnhill replied no that covered it.

Attorney Doll said he thinks this falls within the purview of the County Health Department.

David Hachmeister asked was this the brewery or winery that is going to open down on SR 662.

Attorney Doll replied he didn't know where it is located; he just knows that this person is coming on Wednesday.

Bob Johnson stated they came before them today at the Commissioner's meeting and they received approval to open up their meeting.

David Hachmeister said so it isn't an icee thing.

Bob Johnson said it is within their restrictions that they cannot do that where you are talking about.

David Hachmeister said what is, having a food truck there.

Jeff Willis asked if the food truck was a way to get around having so many parking spots, having so many toilets, having so many etc.

David Hachmeister asked if food was sold there or was it given away by the business, the winery or whoever is cooking.

Doris Horn stated the winery at Lynnville has food trucks come up now.

David Hachmeister asked whom.

Doris Horn replied the one at Lynnville.

David Hachmeister said it is controlled by the town correct.

Several people answered no, it is in the County.

Doris Horn stated they come up like on a Saturday for so many hours and then they are gone.

Attorney Doll asked do we want to regulate this or do we just want the Health Department to regulate them with their license. He said that way they can inspect it. He said if we want to regulate it, we would go back to Sherri and talk to her about that. He said we will have this meeting on Wednesday and we will see what she wants to do. He said she was looking for some direction from the Commission.

Bill Byers stated that would get complicated because we have the wine fest at the Newburgh Lock and Dam.

Attorney Doll stated that is not our territory. He said that is in the city limits of the Town of Newburgh, which is not within our territory.

Bill Byers said what about Freedom Park.

Attorney Doll said yes, apparently that has been true before. He said they are getting more and more popular.

Jeff Willis stated they are getting more popular, especially in Evansville. He said if you go down to the Friday night fish fry or whatever they have down there they have food trucks parked in weird places that you wouldn't be able to get a restaurant at but since everybody is down there walking around the arts and stuff. He said you are walking through, you get your food, and you walk back up.

Doris Horn said she always wanted to make sure that the Health Department makes sure that it is an okay place.

Attorney Doll said the question in his mind was that a zoning issue or a County health issue. He said if it was a zoning issue then we are going to have to do something.

David Hachmeister asked how we would determine where they park.

Attorney Doll replied exactly.

Doris Horn stated in and out all of the time.

Attorney Doll said and where, who is going to chase these food trucks around to make sure they are doing what they should or is this a County Health Department issue and let Aaron and his department make sure the food is safe, license them, check them, and leave it alone. He said if they are going to be there longer than 30 days in the same spot then maybe they should have some kind of temporary Location Improvement Permit or something of that sort. He said that happens, that what these icee stands, Hawaiian Ice, and things like that have done, where they spend the whole summer in a parking lot. He said that is what they have gotten before, which he didn't even know it existed.

Mrs. Barnhill replied yes, it exists.

Jeff Willis said like at his kids soccer games they have a little icee truck, it's not icee it is some kind of shaved ice with flavoring on it, that come down. He said he wants the Health Department to inspect it but he doesn't know that we need to get in the business of it to where if they are there three hours instead of two you need a permit.

Attorney Doll stated it is up to this Commission. He said we would report to Sherri whatever you want us to report.

Doris Horn stated she thinks it should be the Health Department.

Attorney Doll said only.

Bob Johnson said he thinks there has to be a time frame.

Attorney Doll said what if they are there for 30 days.

Doris Horn said let's not change it unless we find out next year that some of them were staying there for six months. She said could we not go back there.

Attorney Doll said you could always come back to this topic.

Jeff Willis stated what if they go home every night and then come back the next day.

Attorney Doll said he thinks the question is coming Wednesday about how long they could stay without having to have some type of temporary Location Improvement Permit. He said that is what this woman apparently is about to ask us and we were trying to get an understanding of the Commission.

Bill Byers asked how you are going to police it.

Attorney Doll replied yes. He asked was the decision no decision or was the decision ...

Bob Johnson stated you said you wanted to give us something to think about so he is thinking about it.

Bill Byers stated the fire department also checks them when they are cooking there.

Attorney Doll replied okay, he didn't know that but it makes sense.

Bill Byers stated they have to have fire extinguishers.

Attorney Doll said he seems to be more concerned that the Health Department is involved.

Bill Byers stated they have rules now that they cannot cook underneath an awning or have open cooking like the little pop up tents they can't do that.

Attorney Doll said do the Boy Scouts know that.

Bill Byers said because there is a danger of fire.

Attorney Doll asked if they want to think about this and then talk about it again. (Discussion among themselves) He said we would tell the woman, on Wednesday, what has been done in the past and see how long they are going to be there.

Everyone agreed to find out more information and talk about it again.

Attorney Business: none

Executive Director Business: none

Ascertaining there was no other business to conduct the meeting adjourned at 7:39 p.m.

Jeff Willis, Vice President

ATTEST:

Molly Barnhill, Assistant Director